

24 JAN 1980

OS REGISTRY

FILE

Charter Legislation-
Title VI - NSA

MEMORANDUM FOR: Office of General Counsel

STATINTL

ATTENTION: [redacted]

FROM: Robert W. Gambino
Director of Security

SUBJECT: Charter Legislation, Title VI,
National Security Agency

REFERENCE: Memo from AD/Security to OGC, dated
22 October 1979, same subject

1. In response to your telephonic request of 22 January 1980 for Office of Security comments concerning the proposed Title VI, Charter Legislation, reference is made to the 22 October 1979 memorandum to OGC from the Acting Director of Security, same subject. That memorandum presented the objections of this Office to the wording of Section 613(b) of the proposed legislation and these objections remain valid.

2. The sweeping language of the opening sentence of paragraph 613(b), which gives DIRNSA the responsibility for prescribing and enforcing the Security rules, regulations, procedures, etc., for all U. S. SIGINT activities, remains of serious concern to this Office. While it may be argued that this language is tempered by the second sentence, which states these actions shall be in accord with applicable law and policy guidance from the DCI, the potential for differing interpretations and conflict is great. It must be recognized that even if DIRNSA prescribes rules and procedures that do not conflict with DCI guidance, the legislation as proposed gives DIRNSA authority to enforce those rules and procedures. In order to enforce them, NSA would have the authority to inspect all U. S. SIGINT activities to insure that the rules

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and regulations are being carried out. This is unacceptable to the Office of Security. Similarly, DIRNSA appears to be insisting on the authority to establish the requirements for personnel security clearances and to have the final voice in decisions concerning individuals who are authorized access to our own SIGINT facilities. This also is unacceptable to the Office of Security.

3. This Office firmly believes that we must obtain relief from the proposed enforcement authority of DIRNSA as it relates to the security of CIA SIGINT activities.

STATINTL

Robert W. Gambino

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Title II, Intelligence

Charter Legislation

Also: Collection STATINTL

Also: Liaison 5.

MEMORANDUM FOR: Office of General Counsel

ATTENTION:

FROM:

Acting Director of Security

SUBJECT: Charter Legislation Title VI -
National Security Agency

1. The Office of Security has reviewed Title VI of the proposed Charter Legislation and is struck by the sweeping authority which this Charter imparts to NSA. The result would appear to be a pervasive control over the SIGINT activities conducted by all other members of the Intelligence Community.

2. Insofar as Office of Security equities are concerned, we are particularly troubled by Section 613(b), which authorizes DIRNSA both to prescribe and enforce (emphasis added) security rules and regulations concerning personnel clearances, physical security standards, and facility approvals for all U. S. Government signal intelligence activities. This is a sharp departure from existing practices. It would appear to usurp the existing Director of Central Intelligence functions (expressed in DCID 1/14 [personnel security standards] and USIB physical security standards) as well as the authority of the Director of Security, CIA, with respect to SI approvals within CIA.

3. In an attempt to clarify the statutory responsibility of DIRNSA in the SIGINT field, as well as to preserve the overall DCI authority to set standards for access (thus protecting sources and methods), I suggest that Section 613(b) be rewritten to authorize DIRNSA, in coordination with the DCI, to prescribe (but not enforce), etc. This will allow the DCI to maintain his role in establishing overall security policy and preclude DIRNSA from assuming any security policy or physical inspection role over CIA SIGINT activities.

Amendment to Title VI of the Intelligence Charters

641(d) (1) Nothing in this title shall be construed to impair or affect the authority of the Central Intelligence Agency to:

- (A) conduct clandestine signals intelligence operations in support of clandestine activities and, in coordination with the Director, clandestine operations designed to achieve signals intelligence objectives;
- (B) produce cryptographic systems and materials approved by the Director to be used in support of clandestine activities conducted by the Central Intelligence Agency; and
- (C) prescribe and enforce, for its signals intelligence and communication security activities, security rules, regulations, procedures, standards, and requirements with respect to personnel security clearances, authorizations for access to facilities and information, physical security of facilities, equipment, and, information, and the transmission, processing, and reporting of information, except that the Director may prescribe, but shall have no enforcement authority with respect to, such rules, regulations, procedures, standards, and requirements for signals intelligence activities in support of rational requirements and the staff communications of the Central Intelligence Agency.

(2) Nothing in this title shall be construed to require the disclosure of:

- (A) information relating to the operational details of any activities conducted by the Central Intelligence Agency, including any intelligence sources and methods involved in such activities; or
- (B) information which would reveal any ongoing clandestine activity conducted by the Central Intelligence Agency that has been determined by the Director of the Central Intelligence Agency to be especially sensitive.

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